

Monte J. White & Associates, P.C.
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IN RE:

Mark Alan Totty
and
Cheri Faye Totty
DEBTOR(s)

§ CASE NO. 12-10228-RLJ-13
§
§ HEARING DATE: 1/2/2014
§ HEARING TIME: 11:00 A.M.

AMENDED FIRST MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION

DATE: 12/02/2013

Pursuant to 11 USC 1329, the Debtor(s) (per the undersigned attorney) or the Standing Chapter 13 Trustee, requests the following Modification of Debtor(s) Confirmed Plan herein:

I. HISTORY OF THE CASE

1. Date Case Filed: 7/31/2012
2. Date of Section 341 Meeting: 8/31/2012
3. First Payment Date: 8/30/2012
4. Date of Confirmation: 1/10/2013
5. Total Plan Term Prior to this Modification: 60
6. Number of Months from First Payment Date through month prior to estimated month of Modification Approval: 17
7. Remaining Plan Term (subtract item 6 from the lesser of item 5 or 60 months): 43
8. Amount of Arrears through the month prior to the date the Modification is filed: \$110.00
9. Date plan payments are to resume: 1/30/2014
10. Total Payments Paid to the Trustee through the month prior to the date the Modification is filed with the clerk: \$23,390.00
11. Total payments due to the Trustee through the month prior to the date the Modification is filed with the clerk: \$23,500.00
12. Total Payments Due to the Trustee from the month the Modification is filed to the month the Modification is set for approval: \$1,520.00

13. List Dates of any Prior Orders Modifying, Interlocutory Orders, or Special Supervision Orders:
TRCC 5/3/2013

II. MODIFICATION REQUESTED

(CHECK 1 OR MORE OF THE FOLLOWING 4 CHOICES)

 x Plan payments increase to \$1,672.00 month starting January 2014.

Any arrears indicated in item 8 above shall be cured by the following method: Prior to hearing.

III. RESUMPTION OF PAYMENTS TO THE TRUSTEE

(All information below must be complete)

Payments can only change as of the month the modification is approved. Payments to the Trustee in the amount of \$1,672.00 will resume on or before 1/30/2014 for 43 months (item 7 above) remaining in the Modified Plan as of the date the modification is approved.

Base Amount increases to \$96,906.00

IV. TREATMENT OF UNSECURED CREDITORS

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2006-1. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

V. SECURED, PRIORITY OR SPECIAL CLASS TREATMENT

ADD/DELETE/SURRENDER/CHANGE the following Secured, Priority or Special Class Unsecured Creditor(s):

C/D;A=ADD;D = DELETE; S = SURRENDER; CF = CHANGE FROM; CT = CHANGE TO
CodeName Class Amount Collateral Value Interest Treatment

A	S-Westbrook ISD	Ad valorem taxes for 2011-2012	\$2,443.51 @12% interest	\$70.90 per month
CT	S-Texas Savings Bank SSB	1 st lien pre- petition mortgage arrears	\$15,446.01	\$332.20 per month
CT	S-Texas Saving Bank SSB	2 nd lien pre- petition mortgage arrears	\$ 5,049.22	\$109.45 per month

Note: Changes to any creditors above shall not be effective until the Modification is approved.

VI. ATTORNEY FEES

Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$350.00 plus \$50.00 in costs, of which \$400.00 will be paid through the Plan by the Trustee.

VII. REASON FOR MODIFICATION

This modification is requested for the following reason(s): To provide payment to Westbrook ISD for 2011-2012 ad valorem property taxes.

VIII. BUDGET INFORMATION

At the time of filing this modification the debtor shall provide a filed marked copy of the current budget (schedules I & J) and the three most recent pay stubs to the Trustee.

N/A

Respectfully submitted,

/s/Monte J. White
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing Modification of Plan after Confirmation has been served by me on 12/03/2013, on all parties on the attached matrix, by ECF and/or United States First Class Mail, proper postage affixed.

/s/Monte J. White
Attorney for Debtor(s)

Label Matrix for local noticing
0539-1
Case 12-10228-rlj13
Northern District of Texas
Abilene
Mon Dec 2 14:44:29 CST 2013

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-0996

Westbrook ISD
Linebarger Goggan Blair Sampson, LLP
2323 Bryan Street Suite 1600
Dallas, TX 75201-2644

306 Federal Building
1205 Texas Avenue
Lubbock, TX 79401-4037

At & T
P.O. Box 930170
Dallas, Tx 75393-0170

Bealls
WFNNB
PO Box 182686
Columbus, OH 43218-2686

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

CAPITAL ONE BANK -USA, N.A.
PO Box 12907
Norfolk VA 23541-0907

Capital One, N.a.
Capital One Bank -USA N.A.
PO Box 30285
Salt Lake City, UT 84130-0285

Cavalry Portfolio Services
500 Summit Lake Drive, Ste 400
Valhalla, NY 10595-2322

Cbcs
Po Box 163250
Columbus, OH 43216-3250

Chase
Po Box 24696
Columbus, OH 43224-0696

Cheri Faye Totty
1398 Lake County Rd 248
Colorado City, TX 79512-7412

Cogdell Memorial Hospital
1700 Cogdell Boulevard
Snyder, TX 79549-6198

Collectech Diversified
Po Box 12027
Lubbock, TX 79452-2027

Covenant Med. Ctr.
PO Box 1201
Lubbock, TX 79408-1201

Covenant Medical Group
PO Box 650597
Dallas, TX 75265-0597

Datasearch Inc
Pob 461289
San Antonio, TX 78246-1289

Equiant Financial Svcs
5401 N Pima Rd Ste 150
Scottsdale, AZ 85250-2630

GE Capital Retail Bank
CO Recovery Management Systems Corp
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

Gemb-walmart
Attn: Bankruptcy
PO Box 103104
Roswell, GA 30076-9104

HARLEY-DAVIDSON CREDIT CORP
9441 LBJ FREEWAY,SUITE 350
DALLAS,TEXAS 75243-4652

Harley Davidson Financial
Attention: Bankruptcy
PO Box 182686
Columbus, OH 43218-2686

Hsbc Bank
Po Box 5253
Carol Stream, IL 60197-5253

IRS Department
Attn: Dorothy Shields
1100 Commerce
Mail Code 5027
Dallas, Texas 75242-1001

Internal Revenue Service
1100 Commerce
MC 5029 DAL
Dallas, TX 75242-1100

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Mark Alan Totty
1398 Lake County Rd 248
Colorado City, TX 79512-7412

Merrick Bank
Resurgent Capital Services
PO Box 10368
Greenville, SC 29603-0368

Merrick Bk
Attn: Bankruptcy
P.O. Box 9201
Old Bethpage, NY 11804-9001

Mitchell County
CO Perdue, Brandon, Fielder etal
P.O. Box 13430
Arlington, Texas 76094-0430

Mitchell County Appraisal District
2112 Hickory Street
Colorado City, TX 79512-3448

Mitchell County Hospital
997 West Interstate 20
Colorado City, TX 79512-3998

Monte J. White & Associates, P.C.
402 Cypress, Suite 310
Abilene, TX 79601-5151

PRA Receivables Management, LLC
POB 41067
NORFOLK, VA 23541-1067

Perdue Brandon Fielder Collins & Mott
PO Box 817
Lubbock, TX 79408-0817

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Rnb-fields3-Macys
Macys Bankruptcy Department
PO Box 8053
Mason, OH 45040-8053

SFC-Central Bankruptcy
P.O. Box 1893
Spartanburg, S.C. 29304-1893

Security Fin
SFC Centralized Bankruptcy
PO Box 1893
Spartanburg, SC 29304-1893

Snyder Payday Loans
3012 College Ave
Snyder, TX 79549

Southwestern Bell Telephone Company
AT & T Services, Inc
James Grudus, Esq.
One AT & T Way, Room 3A218
Bedminster, NJ 07921

Sun Loans
2519 College Ave
Snyder, TX 79549-2528

Texas Finance
1400 25th St
Snyder, TX 79549-2613

Texas Savings Bank
211 South College
Snyder, Texas 79549

Texas Savings Bank, s.s.b
Attn: Mike Van Meter
4500 College Avenue
P.O. Box 830
Snyder, Texas 79550-0830

Wells Fargo Bank, N.A., dba Wells Fargo Deal
P.O. Box 19657
Irvine, CA 92623-9657

Westbrook ISD
c/o Sherrel K. Knighton
Linebarger, Goggan, Blair & Sampson, LLP
2323 Bryan St. Ste. 1600
Dallas, Texas 75201-2644

Western Shamrock Corporation
Attention: Bankruptcy
801 S Abe St.
San Angelo, TX 76903-6735

Wfs Financial-Wachovia Dealer Services
10750 Forest St.
Suite 200
Rancho Cucamonga, CA 91730

World Finance Corp
205 West Austin St.
Brownwood, TX 76801

World Finance Corporation
1926 25Th Street
Snyder, TX 79549-2517

Pamela Jean Chaney
Monte J. White & Associates, P.C.
American State Building
402 Cypress, Ste. 310
Abilene, TX 79601-5151

Walter 12,13 Ocheskey
6308 Iola Avenue
Lubbock, TX 79424-2735

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Bk Of Amer
Po Box 982238
El Paso, TX 79998

Internal Revenue Service
PO Box 21126
Philadelphia, PA 19114

Portfolio Recovery Associates, LLC
CO Capital One, Na
POB 41067
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Cheri Faye Totty 1398 Lake County Rd. 248 Colorado City, TX 79512-7412	(u)Internal Revenue Service -IRS	(d)Mark Alan Totty 1398 Lake County Rd. 248 Colorado City, TX 79512-7412
(u)Mitchell County	(d)PRA Receivables Management, LLC POB 41067 Norfolk, VA 23541-1067	(d)Cheri Faye Totty 1398 Lake County Rd. 248 Colorado City, TX 79512-7412
(d)Mark Alan Totty 1398 Lake County Rd. 248 Colorado City, TX 79512-7412	End of Label Matrix Mailable recipients 53 Bypassed recipients 7 Total 60	